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10/083,692	02/27/2002	Michael Mazzuca	JJ-10 920-IUS	1511

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EXAMINER

COOLEY, CHARLES E

ART UNIT

PAPER NUMBER

1723

DATE MAILED: 08/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/083,692

Applicant(s)  
Mazzuca

Examiner  
Charles Cooley

Art Unit  
1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 Feb 2002 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## OFFICE ACTION

1. This application has been assigned to Technology Center 1700, Art Unit 1723 and the following will apply for this application:

a. Please direct all written correspondence with the correct application serial number for this application to Art Unit 1723.

b. Telephone inquiries regarding this application should be directed to the Technology Center 1700 receptionist at ☎(703) 308-0651 or to the Examiner at ☎(703) 308-0112. Official facsimile correspondence filed before a final office action should be transmitted to ☎(703) 872-9310. Official facsimile correspondence which responds to a final office action should be transmitted to ☎(703) 872-9311. All *post-allowance* papers (e.g., Information Disclosure Statements, Rule 312 Amendments, petitions, etc.) should be mailed to **Box Issue Fee** or submitted via facsimile to ☎(703) 308-5864.

c. Inquiries regarding application status, matching responses with applications, patent term questions, locating and retrieval of applications, incomplete office actions, requests for copies of office actions and/or references, requests to remail office actions, small/large entity status, or other administrative inquiries should be directed to the **Technology Center 1700 Customer Service Center** at ☎(703) 306-5665.

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***Drawings***

2. The drawings are objected to because of the following informalities:
- a. the tank 12 should be labeled in Figure 5.
  - b. the sectional line "A-A" in Figure 5 should be removed.
  - c. the item list on sheet no. 6 of the drawings should be removed.
  - d. Figures 6-8 lack proper reference characters and lead lines to identify the illustrated elements (37 CFR 1.84(p)(q)).
  - e. baffles 76 are not labeled in the appropriate Figure(s) - see page 7, line 14.

Correction is required.

3. Applicant should verify that (1) all reference characters in the drawings are described in the detailed description portion of the specification and (2) all reference characters mentioned in the specification are included in the appropriate drawing Figure(s) as required by 37 CFR 1.84(p)(5).
4. Applicant is required to submit a proposed drawing correction in response to this Office Action. Any proposal by the applicant for amendment of the drawings to cure defects must include a print or pen-and-ink sketch showing changes in *red ink* in accordance with MPEP § 608.02(v).

**IMPORTANT NOTE:** The filing of new formal drawings to correct the noted defect may be deferred until the application is allowed by the examiner, but the print or

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pen-and-ink sketch with proposed corrections shown in red ink is required in response to this Office Action, and *may not be deferred*.

***Specification***

5. The disclosure is objected to because of the following informalities:
  - a. Page 1: the status of the parent application should be updated as being abandoned.
  - b. Page 4, line 5 contains the spelling error "filotering".
6. The abstract and title are acceptable.

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***Claim Rejections - 35 U.S.C. § 112, second paragraph***

7. Claims 1-2 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 4: "the lubricating or washing fluid tank" lacks antecedent basis; in line 17, "the range" lacks antecedent basis.

Claim 2, line 6: "the tank" and "the inlet" each lack antecedent basis; in line 17, "the range" lacks antecedent basis.

***Claim Rejections - 35 U.S.C. § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claim 2 is rejected under 35 U.S.C. § 102(b) as being anticipated by Onodera et al.

The patent to Onodera et al. discloses an apparatus for use as a bypass filter in cleaning fluid (i.e., oil - a well known industrial fluid) comprising a centrifugal separator

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30 having a casing 10 and a rotatable rotor 11 mounted in the casing; a pump 3 between the reservoir tank 2 for the lubricating fluid and the inlet 14 of the separator; source of compressed gas 29 connected to the casing (Fig. 1); and a control device 25.

***Claim Rejections - 35 U.S.C. § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin in view of Windsor et al.

Martin discloses an apparatus and method for use as a bypass filter in cleaning fluid (i.e., oil - a well known industrial fluid) comprising a centrifugal separator having a casing 10, 95 and a rotatable rotor 20 in the casing; a pump (Col. 5, lines 50-54) between the sump (lubricating tank) and the inlet 62 of the separator for pumping the fluid into the separator to cause the rotor to rotate and clean the fluid; the cleansed fluid being returned to the tank (sump - Col. 7, lines 31-33); and a source of compressed gas 111 connected to the casing 10, 95 for controlling the amount of air in

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the casing. Martin does not disclose the recited control device. Windsor et al. discloses an apparatus and method for cleaning lubricants comprising a centrifugal separator 10 having a casing 12 and a rotor 34 in the casing; a pump 18 between the tank 12 and the inlet 22 of the separator; and a control device 91 which functions to monitor the operation of the separator and control the pump 18 and source of compressed air (Col. 4, lines 20-64). It would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have provided the device of Martin with a control device as disclosed by Windsor et al. for the purpose of monitoring and controlling the operation of the centrifuge, including controlling the pump and source of compressed air, and to provide for the automatic cycling of the centrifuge (Col. 5, lines 46-47).

12. Claim 1 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin in view of Windsor et al and Briggs et al. 170 or Briggs et al. '394 or Carr '238.

Martin discloses an apparatus and method for use as a bypass filter in cleaning fluid (i.e., oil - a well known industrial fluid) comprising a centrifugal separator having a casing 10, 95 and a rotatable rotor 20 in the casing; a pump (Col. 5, lines 50-54) between the sump (lubricating tank) and the inlet 62 of the separator for pumping the fluid into the separator to cause the rotor to rotate and clean the fluid; the cleansed fluid being returned to the tank (sump - Col. 7, lines 31-33); and a source of compressed gas 111 connected to the casing 10, 95 for controlling the amount of air in



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the casing. Martin does not disclose the recited control device or the recited g-force range. Windsor et al. discloses an apparatus and method for cleaning lubricants comprising a centrifugal separator 10 having a casing 12 and a rotor 34 in the casing; a pump 18 between the tank 12 and the inlet 22 of the separator; and a control device 91 which functions to monitor the operation of the separator and control the pump 18 and source of compressed air (Col. 4, lines 20-64). Briggs et al. 170 and Briggs et al. '394 each teach that a centrifuge 26 is commonly used for separating lubricant fluid from solids and the centrifuge is operated within the claimed range of claim 1. Carr '238 teaches that a centrifuge 10 which is used for separating solids and liquids wherein the separated solids are collected on an inner surface of the centrifuge rotor is operated within the claimed range of claim 1. It would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have provided the device of Martin with a control device as disclosed by Windsor et al. for the purpose of monitoring and controlling the operation of the centrifuge, including controlling the pump and source of compressed air, and to provide for the automatic cycling of the centrifuge (Col. 5, lines 46-47). It would have further been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have operated the centrifuge of Martin within the recited range of g-forces as taught by Briggs et al. 170, Briggs et al. '394, or Carr '238 for the purpose of ensuring the separation of the solids from the liquids and because the operation of centrifuges within the recited g-

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force range has been shown to be a conventional method of operation in the centrifuging art for separating solid and liquid materials (Briggs et al. 170: Col. 3, line 62 through Col. 4, lines 1-9; Briggs et al. '394: Col. 3, lines 31-46; Carr '238: Col. 1, lines 14-45 and Col. 6, lines 19-40).

\* \* \*

With regard to the above rejections, the operational and functional language of claim 2 (e.g., "for monitoring" and "for controlling") has been considered but fails to impart or invoke any means or structure to the apparatus claims which defines over the applied prior art. Note with regard to claim 2 that merely a control panel is claimed which is met by the applied prior art. Although the recited g-force range is well taught by the prior art, said range in apparatus claim 2 has been considered but is deemed but a method of operation of an apparatus which fails to impart or invoke any means or structure to the *apparatus* claim which defines over the applied prior art.

### **Conclusion**


13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited prior art to Kessler et al. also discloses the recited range of g-forces at col. 4, lines 35-41.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Charles Cooley whose telephone number is ☎ (703) 308-0112.

15. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1700 receptionist whose telephone number is ☎ (703) 308-0651.

A handwritten signature in cursive script, appearing to read "Charles Cooley", written over a horizontal line.

**Charles Cooley**  
**Primary Examiner**  
**Art Unit 1723**

Dated: 26 July 2002